

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Cause No. 1:11-cr-0166-JMS-MJD
	)	
GREGORY FRANCIS,	)	- 01
	)	
Defendant.	)	

**REPORT AND RECOMMENDATION**

On August 3, 2021, the Court held a hearing on the Petition for Warrant or Summons for Offender Under Supervision filed on August 24, 2017. Defendant Francis appeared in person with his appointed counsel William Dazey. The government appeared by Will McCoskey, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Mark McCleese.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant Francis of his rights and ensured he had a copy of the Petition. Defendant Francis orally waived his right to a preliminary hearing.
2. After being placed under oath, Defendant Francis admitted violation number 1 as set forth in the Petition. [Docket No. 47.] Government orally moved to withdraw the remaining violations, which motion was granted by the Court.
3. The allegations to which Defendant admitted, as fully set forth in the Petition, are:

**Violation  
Number**

**Nature of Noncompliance**

1

**“You shall not commit another federal, state, or local crime.”**

On August 23, 2017 a Probable Cause Affidavit was filed in Marion County under cause #49G041708F4031007, charging Gregory Francis with Burglary, Level 4 Felony, and Theft, Level 6 felony. A warrant with a \$40,000 surety bond was issued on August 24, 2017.

The Probable Cause Affidavit indicates that on August 20, 2017, an officer from the Lawrence Police Department was called to a burglary report. Ashley King reported her father, Gregory Francis, was the suspect who entered her residence and removed several items. The door frame appeared to have some pry marks.

The offender's mother, Sharon Francis, reported she arrived at her apartment, which is also the offender's residence, 9031 Eldorado Place, on August 22, 2017, and noticed the offender had moved out and stolen many of her possessions, including; a television, dishwasher, vacuum, and other assorted items. She reported this Theft to the Lawrence Police Department and changed the locks of her residence.

4. The Court finds that:

- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant's criminal history category is V.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 18 to 24 months' imprisonment.

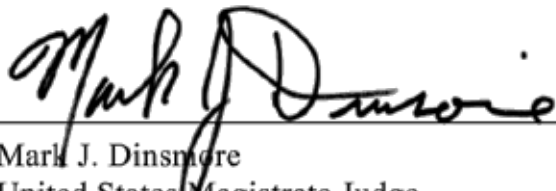
5. The government recommended a sentence of twelve (12) months incarceration with no supervised release to follow. Defendant's counsel argued for a sentence less than twelve (12) months incarceration. Both parties recommended that no supervised release follow any period of incarceration.

The Magistrate Judge, having considered the factors set forth in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in violation no. 1 of the Petition, and recommends that Defendant's supervised release be revoked, and that

Defendant be sentenced to the custody of the Attorney General or his designee for a period of eight (8) months with no supervised release to follow. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties waived the fourteen-day period to object to the Report and Recommendation.

Dated: 3 AUG 2021

  
\_\_\_\_\_  
Mark J. Dinsmore  
United States Magistrate Judge  
Southern District of Indiana

Distribution:

All ECF-registered counsel of record via email generated by the court's ECF system